

Signs Letter to Chairman Murtha Urging Inclusion of Franken Amendment in Defense Appropriations Bill

October 22, 2009

Washington, DC – Today, Congressman Sestak signed a letter urging Rep. John Murtha, Chairman of the House Defense Appropriations Subcommittee, to include Senator Franken's amendment to the FY 2010 Defense Appropriations Act in the final bill, which is currently in conference. The amendment, which was passed in the Senate by an overwhelming 68-30 votes, would prohibit federal funding from being used to pay defense contractors that force secretly binding arbitration on their employees in cases of sexual violence, sexual harassment, and sex and other unlawful job discrimination under Title VII.

"The rape and abuse suffered by employees of American defense contractors, such as Ms. Jamie Leigh Jones, who was stationed in Iraq as an employee of KBR, is inexcusable," said the Congressman on Thursday. "Ms. Jones, who was drugged, gang-raped and locked in a container by other KBR employees, was denied her day in court by a clause in her employment contract which required her to arbitrate any future dispute against her employer. This mandatory term forced her to give up her right to argue her case in court, before an impartial jury of her peers.

"I call upon the conferees to include Senator Franken's amendment in the final Defense Appropriations Bill. While arbitration has its place in our legal system -- in instances such as commercial disputes -- it is far from the appropriate mechanism in resolving abuse involving civil rights violations or crimes like rape. The 5th Circuit United States Court of Appeals recently ruled in Ms. Jones's favor, finding that even when you sign an employment contract requiring arbitration, there are some rights to sue your employer that can't be signed away, including assault and battery. This amendment, if signed into law, would make the Fifth Circuit's findings

the settled law across the entire United States, and I very strongly support this common sense measure."

The full text of the letter, which was circulated by Rep. Schakowsky and signed by several other members, is included below.

The Honorable John Murtha
The Honorable William Young
Committee on Appropriations
Subcommittee on Defense
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Murtha and Ranking Member Young:

We are writing to respectfully request that the House conferees to H.R. 3326, the FY2010 Defense Appropriations Act, recede to the Senate bill with respect to the Franken amendment. The Franken amendment would protect the rights of contract employees to file sexual assault, sexual harassment and workplace discrimination suits and should be preserved in its entirety.

We are all aware of the horrific case of Jamie Leigh Jones, who was viciously assaulted, gang-raped, and sexually harassed by her co-workers while working for Halliburton/Kellogg Brown & Root in Iraq. After the attack, Halliburton isolated Ms. Jones in a shipping container with an armed guard out front. Ms. Jones only was able to contact her family after convincing her guard to lend her his cell phone.

Upon her rescue from Iraq and her return to the States, Ms. Jones filed a lawsuit against Halliburton for the harm she endured. Halliburton insisted that Ms. Jones submit her claims to forced arbitration, a private system that caters to the repeat business of corporations, instead of to a neutral judge and a jury of her peers.

After over four years of litigation, the Fifth Circuit Court of Appeals recently ruled that Ms. Jones' sexual-assault claims could proceed to court. But her claims of discriminatory treatment and sexual harassment will still be forced into arbitration. In the meantime, Halliburton has filed an appeal to force all of Ms. Jones claims to arbitration and again deny her any hearing in court.

Ms. Jones is not alone. Countless women like her are being forced into this secret, biased system of arbitration when they are subjected to unlawful abuse, harassment, and discrimination. In fact, since Ms. Jones went public with her story, at least 38 women who worked as contractors in Iraq, Kuwait, and other countries have contacted her to discuss their own experiences with sexual abuse in Iraq. As Ms. Jones recognized herself,

Unfortunately, my case is not an isolated incident. If arbitration of these claims is forced, then there will be justice for none of the victims of these military contractors' misdeeds. With the misuse of arbitration, we have made corporate entities in this country above the law.

An amendment to the 2010 Defense Appropriations Act that was adopted by the Senate addresses exactly this problem. Offered by Senator Franken, this amendment would deny federal dollars to contractors that force secret binding arbitration on their employees in cases of sexual violence, sexual harassment, and sex and other unlawful job discrimination under Title VII. It would ensure that women like Ms. Jones have the opportunity to seek justice against their perpetrators and to hold the corporate actors who allow sexual abuse accountable in a court of law.

The Franken Amendment passed the Senate on October 6, 2009, by a bipartisan vote of 68-30. Supporters of the amendment know that the federal government has no business doing business with companies that deny their employees the most fundamental legal protection: the right to equal justice under the law. And they know that the protections against sexual violence and discrimination that we all support are meaningless if they cannot be enforced in a court of law.

We agree. That's why we strongly support the retention of the Franken Amendment in this year's Defense Appropriations Act. Employees of federal contractors – contractors paid with taxpayer dollars – should not be denied access to one the fundamental principles of American democracy – the jury system -- when they are the victims of wrong-doing.

For these reasons, we urge the House conferees to accept the Franken amendment in order to protect the rights of employees of federal contractors with regards to sexual assault, sexual harassment and workplace discrimination matters.

Warmly,

Joe Sestak
Member of Congress